

Remarks

The Examiner had rejected claims 1, 9, 7, 14, 16 and 23 under 35 U.S.C. 102 (e) as being anticipated by Stayton et. (US Pat. 6,657,578). The Examiner had also rejected claim 18 under U.S.C. 103(a) as being unpatentable over Stayton et al.

Claim 18 has now been withdrawn. Applicant submits that the intent, means and functionality of the Stayton et. (US Pat. 6,657,578) is very different than the Applicant's invention, and the cited patent does not disclose all the elements of the Applicant's invention. Stayton '578 is generally directed to a surveillance and collision avoidance system for multiple aircraft in a formation. In the Stayton '578 disclosure, (col. 12 lines 21-26), "The warning of a potential ATC collision threat provided to the pilot or flight crew 540 may be an audible and/or visual warning that provides data pertaining to the ATC aircraft that may be a threat. This data may include, but is not limited to, an estimated closure time of the ATC aircraft and/or a distance to the ATC aircraft".

In contrast, in the Applicant's invention a small hand-held unit that can be easily concealed or a wireless unit comprised in a wrist-watch, is manually activated by a flight crew member or an air-marshal based on perceived threat of high-jacking. The communication between the flight crew and an air-marshal may be in encoded numerical sequence. This is disclosed in Applicant's disclosure on pages 11-15. There is no disclosure of this subject matter in the cited prior art.

The Applicant has amended the claims language to more clearly differentiate the Applicant's invention from the prior art. Please note that dependent claims 2 and 3 have now been made dependents of independent claim 9.

The Examiner had also rejected claims 1-24 under the doctrine of obviousness-type double patenting as being unpatentable over claims 19-26 of U.S. Patent No. 6,696,928. The Applicant will provide a terminal disclaimer at Examiner's request.

With the above amendments, Applicant believes that the claims are now in proper form, and are patentably distinct over prior art. Applicant respectfully requests an indication of allowability for the pending claims.

If there are significant concern's or issues regarding the pending claims, the Applicant requests a telephone interview with the Examiner.

In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

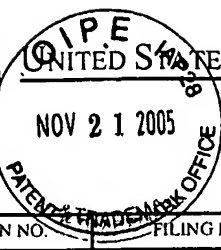
Respectfully submitted,

A handwritten signature in black ink, reading "Birinder K. Boveja". The signature is written in a cursive, flowing style.

Birinder Bob Boveja

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/784,371

02/23/2004

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11/07/2005

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GOINS, DAVETTA WOODS

ART UNIT

PAPER NUMBER

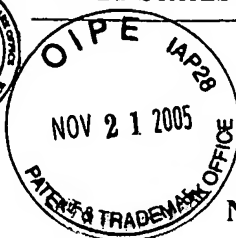
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DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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(M)

NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 10-24-05 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 75.00, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- ☐ 1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☐ 2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- ☒ 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- ☐ 4. The fee submitted in this application is insufficient. A balance of \$ _____ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- ☐ 5. Other.

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

3 new dependent claims were added. The withdrawn claims are still included in total claims.

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Terri Williams (571) 272- 2991
Technical Support Staff (TSS)

Note to TSS: Please do NOT use this notice if the application is under a final rejection.